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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,596	11/19/2003	John M. Monk	10030705-1	6456

7590 04/01/2008

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EXAMINER	
MOUZON, LAJUANIA N	
ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,596	MONK ET AL.	
	Examiner	Art Unit	
	La Juania N. Mouzon	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment filed 8/7/2007. Claims 1-16 are pending.

Drawings

2. Applicant's amendments to the drawings filed on 8/7/2007, have been fully considered and are persuasive. The objections to the drawings have been withdrawn.

Specification

3. Applicant's amendments to the specification filed on 8/7/2007, have been fully considered and are persuasive. The objections to the specification have been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnard et al (US PGPub 2004/0039970).

6. In regards to claim 1 Barnard et al. discloses, a distributed testing system comprising:

a. a logical agent **(fig. 1 #101$_{a-c}$)**,

b. a server **(fig. 1 # 100)** communicating with the logical agent **(fig. 1 # 101$_{a-c}$)** and

c. a graphical user interface (GUI) **(fig. 1 # 107)** communicating with the server **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**,

d. the distributed testing system being extensible to, without technical intervention, interface with physical agents and heterogeneous measurements **(¶0069 line(s) 6-11. See ¶0030 and 0034)** so that the interfaced physical agents **(fig. 1 #103)** perform the interfaced heterogeneous measurements for a test in accordance with control by an end user via the GUI **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**.

7. In regards to claim 3 Barnard et al. discloses, means for interfacing the physical agents and the heterogeneous measurements to the distributed testing system **(¶0030 line(s) 1-4, ¶0036 line(s) 6-9, ¶0040 line(s) 9-11)**.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard et al (US PGPub 2004/0039970) as applied to claims 1 above, and further in view of Forman et al. (US 6,519,638).

11. In regards to claim 2 Barnard et al. do not teach a framework interfacing the physical agents and the heterogeneous measurements to the distributed testing system.

12. In the same field of endeavor Forman et al. teach a system for collecting measurements with a data collector (physical agent) interfacing with a framework **(Col. 6 line(s) 4-15)**.

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that

provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

14. In regards to claim 4 Barnard et al. do not teach, a GUI integration framework interfacing the GUI with GUI plug-ins for the physical agents, and interfacing the GUI with GUI plug-ins for the heterogeneous measurements; a server integration framework interfacing the server with server plug-ins for the physical agents, and interfacing the server with server plug-ins for the heterogeneous measurements; and an agent integration framework interfacing the logical agent with agent plug-ins for the physical agents.

15. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

17. In regards to claim 5 Barnard et al. do not teach, wherein the GUI integration framework comprises an object-oriented class hierarchy for interfacing the GUI with the GUI plug-ins; and the server integration framework comprises an object-oriented class hierarchy for interfacing the server with the server plug-ins.

18. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

20. In regards to claim 6 Barnard et al. discloses, the class hierarchy of the GUI integration framework comprises:

e. GUI measurement objects for configuring and controlling measurements, the GUI measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

f. GUI test objects for adding and deleting measurements to/from tests, the GUI test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

g. a GUI test manager **(fig. 1 # 106)** object for creating and deleting tests on the GUI **(¶0038)**, the class hierarchy thereby being arranged with the GUI test manager object above the GUI test objects, and the GUI test objects being above the GUI measurement objects **(fig. 2)**.

21. In regards to claim 7 Barnard et al. discloses, the class hierarchy of the server integration framework comprises:

h. server measurement objects for configuring and controlling measurements, the server measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

i. server test objects for adding and deleting measurements to/from tests, the server test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

j. a server test manager **(fig. 1 # 106)** object for creating and deleting tests on the server **(¶0038)**, the class hierarchy thereby being arranged with the server test manager object above the server test objects, and the server test objects

being above the server measurement objects **(fig. 2)**.

22. In regards to claim 8 Barnard et al. discloses, wherein

k. the class hierarchy of the GUI integration framework comprises

i. GUI measurement objects for configuring and controlling measurements, the GUI measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

ii. GUI test objects for adding and deleting measurements to/from tests, the GUI test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

iii. a GUI test manager **(fig. 1 # 106)** object for creating and deleting tests on the GUI **(¶0038)**, the class hierarchy thereby being arranged with the GUI test manager object above the GUI test objects, and the GUI test objects being above the GUI measurement objects **(fig. 2)**, and

l. the class hierarchy of the server integration framework comprises

iv. server measurement objects for configuring and controlling measurements, the server measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

v. server test objects for adding and deleting measurements to/from tests, the server test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

vi. a server test manager **(fig. 1 # 106)** object for creating and deleting tests on the server **(¶0038)**, the class hierarchy thereby being arranged with the server test manager object above the server test objects, and the server test objects being above the server measurement objects **(fig. 2)**.

23. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard et al (US PGPub 2004/0039970) in view of Forman et al. (US 6,519,638).

24. In regards to claim 9 Barnard et al. discloses, an apparatus comprising:

m. a logical agent **(fig. 1 #101$_{a-c}$)**,

n. a server **(fig. 1 # 100)** communicating with the logical agent **(fig. 1 # 101$_{a-c}$)** and

o. a graphical user interface (GUI) **(fig. 1 # 107)** communicating with the server **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**;

p. the interfaced physical agents **(fig. 1 #103)** thereby performing the interfaced heterogeneous measurement for a test in accordance with control by an end user via the GUI **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**.

25. In the same field of endeavor Forman et al. teach a system for collecting measurements with a data collector (physical agent) interfacing with a framework **(Col. 6 line(s) 4-15)**. Without technical intervention. Also, a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-

ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

27. In regards to claim 10 Barnard et al. do not teach, a GUI integration framework interfacing the GUI with GUI plug-ins for the physical agents, and interfacing the GUI with GUI plug-ins for the heterogeneous measurements; a server integration framework interfacing the server with server plug-ins for the physical agents, and interfacing the server with server plug-ins for the heterogeneous measurements; and an agent integration framework interfacing the logical agent with agent plug-ins for the physical agents.

28. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

30. In regards to claim 11 Barnard et al. discloses, an apparatus comprising:

q. a logical agent **(fig. 1 #101$_{a-c}$)**,

r. a server **(fig. 1 # 100)** communicating with the logical agent **(fig. 1 # 101$_{a-c}$)** and

s. a graphical user interface (GUI) **(fig. 1 # 107)** communicating with the server **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**;

t. the physical agents **(fig. 1 #103)** thereby performing the heterogeneous measurements for a test in accordance with control by an end user via the GUI **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4).**

31. Barnard et al. do not teach, a GUI integration framework interfacing the GUI with GUI plug-ins for the physical agents, and interfacing the GUI with GUI plug-ins for the heterogeneous measurements; a server integration framework interfacing the server with server plug-ins for the physical agents, and interfacing the server with server plug-ins for the heterogeneous measurements; and an agent integration framework interfacing the logical agent with agent plug-ins for the physical agents.

32. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

34. In regards to claim 12 Barnard et al. do not teach, wherein the GUI integration framework comprises an object-oriented class hierarchy for interfacing the GUI with the GUI plug-ins; and the server integration framework comprises an object-oriented class hierarchy for interfacing the server with the server plug-ins.

35. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

36. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

37. In regards to claim 13 Barnard et al. discloses, the class hierarchy of the GUI integration framework comprises:

u. GUI measurement objects for configuring and controlling measurements, the GUI measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

v. GUI test objects for adding and deleting measurements to/from tests, the GUI test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

w. a GUI test manager **(fig. 1 # 106)** object for creating and deleting tests on the GUI **(¶0038)**, the class hierarchy thereby being arranged with the GUI test manager object above the GUI test objects, and the GUI test objects being above the GUI measurement objects **(fig. 2)**.

38. In regards to claim 14 Barnard et al. discloses, the class hierarchy of the server integration framework comprises:

x. server measurement objects for configuring and controlling measurements, the server measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

y. server test objects for adding and deleting measurements to/from tests, the server test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

z. a server test manager **(fig. 1 # 106)** object for creating and deleting tests on the server **(¶0038)**, the class hierarchy thereby being arranged with the server test manager object above the server test objects, and the server test objects being above the server measurement objects **(fig. 2)**.

39. In regards to claim 15 Barnard et al. discloses, wherein

aa. the class hierarchy of the GUI integration framework comprises

vii. GUI measurement objects for configuring and controlling measurements, the GUI measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

viii. GUI test objects for adding and deleting measurements to/from tests, the GUI test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

ix. a GUI test manager **(fig. 1 # 106)** object for creating and deleting tests on the GUI **(¶0038)**, the class hierarchy thereby being arranged with

the GUI test manager object above the GUI test objects, and the GUI test objects being above the GUI measurement objects **(fig. 2)**, and

bb. the class hierarchy of the server integration framework comprises

x. server measurement objects for configuring and controlling measurements, the server measurement objects being derivable to create new measurements **(¶0040 line(s) 1-5, ¶0043 line(s) 1-4)**;

xi. server test objects for adding and deleting measurements to/from tests, the server test objects being derivable to create new tests **(¶0040 line(s) 1-5, ¶0041 line(s) 5-8, ¶0043 line(s) 1-4)**; and

xii. a server test manager **(fig. 1 # 106)** object for creating and deleting tests on the server **(¶0038)**, the class hierarchy thereby being arranged with the server test manager object above the server test objects, and the server test objects being above the server measurement objects **(fig. 2)**.

40. In regards to claim 16 Barnard et al. discloses, an apparatus comprising:

cc. a logical agent **(fig. 1 #101$_{a-c}$)**,

dd. a server **(fig. 1 # 100)** communicating with the logical agent **(fig. 1 # 101$_{a-c}$)** and

ee. a graphical user interface (GUI) **(fig. 1 # 107)** communicating with the server **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4)**;

ff. the physical agents **(fig. 1 #103)** thereby performing the heterogeneous measurements for a test in accordance with control by an end user via the GUI **(¶0040 line(s) 3-5, ¶0043 line(s) 1-4).**

41. Barnard et al. do not teach, means for interfacing the GUI with GUI plug-ins for the physical agents, and interfacing the GUI with GUI plug-ins for the heterogeneous measurements; means for interfacing the server with server plug-ins for the physical agents, and interfacing the server with server plug-ins for the heterogeneous measurements; and means for interfacing the logical agent with agent plug-ins for the physical agents.

42. In the same field of endeavor Forman et al. teach a data collector implemented through an object-oriented framework that includes probe classes and subclasses (plug-ins) that does the collecting of data while storing it in a common repository and communicating to the appropriate parts in the system **(Col. 6 line(s) 4-8, 26-30, 51-52)**.

43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnard et al. method and apparatus to coordinate groups of heterogeneous measurements with Forman et al. teaching as discussed above to allow for Multiple frameworks for collecting system data that provides increased flexibility for collecting different types of system data and a more consistent interface for facilitating system data analysis.

Response to Arguments

44. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

45. Applicant's arguments, see pg. 10, filed 8/7/2007, with respect to 112 2nd rejection have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn.

46. Applicant's arguments, see pg. 11, filed 8/7/2007, with respect to 101 rejection have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn.

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rhoda et al. (US PGPub 2005/0097193) extensible network agent method, system, and architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM

/Yasin M Barqadle/
Examiner, Art Unit 2153